

A Response to the Office Action:**A. Status of the Claims**

Claims 25-27, 29-46, 50-61, and 74-91 were pending at the time of the Action. Claims 40, 75, 82, and 84-91 have been canceled. Claims 26-27, 29-38, 50-61, 76-81 have been withdrawn as being directed to non-elected inventions. Thus, claims 25, 39, 41-46, 74, and 83 are currently under examination. Claims 25, 39, 41, 42, 74, and 83 have been amended. No new matter has been added with these amendments.

B. The Claims Are Enabled

The Action rejected claims 39-45, 74-75, 82-83, and 84-91 for lack of enablement on the grounds that the specification was not enabling for all antigenic fragments of SEQ ID NOs: 7, 9, 11, and 13. The Action did indicate, however, that the specification was enabling for *Chlamydia psittaci* antigens having sequences corresponding to SEQ ID NOs: 7, 9, 11, and 13. Although Applicants disagree with this position, the current claims are directed to subject matter that it appears the examiner considers enabled. For example, claim 25, which is the only independent claim currently under examination, is directed to a method of immunizing an animal comprising administering to the animal a *Chlamydia psittaci* antigen having a sequence of SEQ ID NO: 7 in an amount effective to induce an immune response against *Chlamydia*. Applicants intend to pursue claims to broader subject matter in continuing applications.

Applicants respectfully request the withdrawal of this rejection.

C. The Claims Are Definite

The Action rejects claims 25, 39-45, 74-75, and 82-84 under § 112, second paragraph, as being indefinite. Specifically, the Action asserts that the recitation of "providing to the animal" in claim 25 is unclear. Although Applicants maintain that the recitation "providing to the animal" in the context of a method of immunizing an animal is reasonably clear to those of

25569064.1

ordinary skill in the art, Applicants have amended claim 25 by replacing "providing" with "administering." Applicants, therefore, request the withdrawal of this rejection.

The Action also rejects claims 39-45, 74-75, and 82-84 as indefinite for failing to further limit claim 25. In particular, the Action asserted that the phrase "and fragments thereof" made claims 39-45, 74-75, and 82-84 broader than claim 25. The current claims do not contain the phrase "and fragments thereof." Applicants, therefore, request the withdrawal of this rejection.

D. The Rejections Under 35 U.S.C. § 102 Are Overcome

The Action rejects claims 25, 39, 41, 43, 45, and 82-83 under § 102(e) as being anticipated by Griffais *et al.* (U.S. Patent No. 6,559,294). The Action also rejects the same claims under § 102(b) as being anticipated by Griffais *et al.* (WO 99/27105). Applicants traverse this rejection.

Current claim 25, which is the only independent claim presently under examination, is directed to a method of immunizing an animal comprising administering to the animal a *Chlamydia psittaci* antigen having a sequence of SEQ ID NO:7 in an amount effective to induce an immune response against *Chlamydia*. The examiner agrees that SEQ ID NO:7, as well as SEQ ID NOs:9, 11, and 13, are novel over the Griffais references (*see* Action, p. 9, 11). Thus, Griffais does not anticipate the current claims. Applicants, therefore, request the withdrawal of these rejections.

E. The Objection to Claim 86

The Action objects to claim 86 for containing a typographical error. This objection is moot in view of the cancellation of claim 89.

F. The Written Description Rejection

Claims 40, 42, 74-75, and 85-91 were rejected for introducing new matter. Applicants disagree with this rejection, as support for the language accuses of being "new matter" can be

25569064.1

found in the specification at page 13, lines 10-18. Nevertheless, this rejection is moot in view of the language of the current claims. Applicants, therefore, request the withdrawal of this rejection.

G. Consideration of Additional Species

In response to a species election requirement, Applicants elected SEQ ID NOs: 11 and 13 for examination. Claim 41 is a generic linking claim that links SEQ ID NOs: 11 and 13 and the non-elected species (*i.e.*, SEQ ID NOs: 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, and 69). For the reasons described above, Applicants believe that claim 41 is in condition for allowance. Under 37 C.F.R. § 1.141(a), Applicants are entitled to the examination of a reasonable number of the non-elected species once an allowable claim generic to all of the species has been identified. Applicants, therefore, request the examination of the linked species.

H. Conclusion

Applicants believe this to be a full and complete response to the Office Action dated May 31, 2005. Applicants, therefore, respectfully request that the rejections to all claims be withdrawn so they may pass to issuance.

The Examiner is invited to contact the undersigned attorney at (512) 536-3035 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Mark B. Wilson
Reg. No. 37,259
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3035
(512) 536-4598 (facsimile)

Date: August 31, 2005